REMARKS

Applicant hereby replies to the Final Office Action dated December 29, 2009. Applicant thanks the Examiner for carefully considering the application.

Status of Claims

Claims 1-6, 8-14, 18-24 and 28-33 are pending in the above-referenced patent application. Claims 1, 10, and 20 are independent.

Claims 1-3, 6, 10-12, 20-22, 29 and 31-32 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,781,518 issued to Hayes et al. ("Hayes"). Claims 4-5, 8-9, 13-14, 18-19, 23-24, 28 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hayes in view of U.S. Patent No. 7,574,693 issued to Kemink ("Kemink").

Claim Amendments

New claim 33 is added. Applicant notes that the limitations of new claim 33 have been separately searched and examined by the Examiner previously. Therefore, a further search and/or Examination should not be necessary regarding new claim 33. No new matter is added.

Rejection under 35 U.S.C. 102(e)

Rejection of claims 1-3, 6, 10-12, 20-22, 29 and 31-32 is respectfully traversed because, for at least the following reasons, Hayes does not disclose all of the claimed limitations.

According to MPEP §2131,

> '[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Claim 1 requires, in part,

> *discovering a plurality of devices that are currently connected to the network*; (b) *obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to physical layer of the network*, wherein the information includes at least a device name and service type, and wherein the physical layer provides a communication medium that can be used by the plurality of devices to communicate with each other; (c) *generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with each of the devices currently connected to the network*; and (d) displaying the generated user interface such that a user can use each reference of the displayed user interface to access each device (emphasis added).

Claim 10 requires, in part,

> *discovering the plurality of devices that are currently connected to the physical layer of the network*; (b) *obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to the physical layer of the network*, wherein the information includes at least a device name and service type; (c) *generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with each of the devices*

> *currently connected to the network*; and (d) displaying the generated user interface such that a user can use each reference of the displayed user interface to access each device (emphasis added).

Claim 20 requires, in part,

> *discovering a plurality of devices that are currently connected to the network in an autonomous manner*; (b) *obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to the physical layer of the network, wherein the information includes at least a device name and service type*; (c) *generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with each of the devices currently connected to the network*; and (d) displaying the generated user interface such that a user can use each reference of the displayed user interface to access each device (emphasis added).

Hayes is directed a universal remote control to control interconnected devices on a network. That is, Hayes is directed to a single common control unit that is described in Applicant's BACKGROUND OF THE INVENTION. Distinguishably, in Applicant's claimed invention, any device having a display can be the controller, where this feature is recited in independent claims 1, 10, and 20 as "for at least one of said devices," "in the at least one device," and "one or more of the multiple devices," respectively. Therefore, Hayes fails to teach these claimed limitations.

It is asserted in the Office Action that Hayes discloses "*discovering a plurality of devices that are currently connected to the network*" (emphasis added) as required, in part, by claim 1,

"*discovering the plurality of devices that are currently connected to the physical layer of the network*" (emphasis added) as required, in part, by claim 10, and "*discovering a plurality of devices that are currently connected to the network in an autonomous manner*" (emphasis added) as required, in part, by claim 20. Applicant respectfully traverses this assertion as Hayes clearly discloses that after the initial set up, the function identity and operating parameters are established (Hayes, col. 4, lines 43-45). Hayes further discloses that the device activated setup (DAS) disclosed in U.S. Patent Application Serial No. 09/121,229 (now U.S. Patent No. 6,157,319) is implemented. The DAS is a manual set up that is user initiated. Again, no discovery is needed, nor required.

Moreover, claim 1 of Hayes requires the remote control has, prior to any communications with a target device, a stored set of commands for controlling functions of the target device. Therefore, besides the device in Hayes failing to teach discovering devices that are currently connected to the network, there is no need for Hayes to discover the interconnected devices as the remote control already stores the set of commands for controlling the target device prior to any communications with the device.

Further, since the remote control of Hayes already includes a stored set of commands for controlling the target device, Hayes cannot teach "*obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to physical layer of the network*" (emphasis added) as required, in part, by claims 1, 10

and 20. Needless to say, Hayes, cannot additionally teach "*generating a graphical user interface* ***based at least on the obtained information****, the user interface including one or more references associated with each of the devices currently connected to the network*; and (d) displaying the generated user interface such that a user can use each reference of the displayed user interface to access each device (emphasis added) since Hayes does not obtain this information from the targeted device.

Additionally, Hayes does not teach "the information includes at least a *device name* and service type," as recited in independent claims 1, 10, and 20. Further, Hayes does not teach "one or more references associated with each of the devices currently connected to the network," as recited in independent claims 1, 10, and 20, since Hayes is based on a infrared system while the present application is based on a hyperlink system. Moreover, Hayes cannot additionally teach "displaying the generated user interface such that a user can *use each reference* of the displayed user interface to access each device," as recited in independent claims 1, 10, and 20, since Hayes does not teach the "references."

In view of the above, Hayes fails to disclose all of the claimed limitations of independent claims 1, 10 and 20 of the present application. Thus, independent claims 1, 10, and 20 of the present application are patentable over Hayes for at least the reasons set forth above.

Additionally, the claims that directly or indirectly depend on claims 1, 10 and 20, namely claims 2-3, 6, 29 and 31-32, 11-12, and 21-22, respectively, are also patentable over Hayes for at least the same reason.

Accordingly, withdrawal of the35 U.S.C. §102(e) rejections are respectfully requested.

Additionally, new claim 33 requires, in part,

> the service type comprises a type of service that each device can provide and *the user control interface is generated and displayed based on at least an attribute and capability of the service type*, each reference in the user interface includes at least one electronic link providing direct access from the user interface to at least the user control interface description, *the user interface includes device data corresponding to each device based on the information obtained from each device, and upon the one link in the user interface being user activated, the activated link is used for accessing the associated device and retrieving control interface description contained in the associated device for generating and displaying a device user interface based on the retrieved control interface description, for user interaction with that associated device*" (emphasis added).

Hayes, however, fails to teach or suggest these limitations. Therefore, new claim 33 is patentable over Hayes for at least these reasons.

Rejections under 35 U.S.C. §103(a)

The rejection of claims 4-5, 8-9, 13-14, 18-19, 23-24, 28 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Hayes in view of Kemink is respectfully traversed because for at least

the following reasons: Hayes and Kemink either separately or combined, does not disclose all of the claimed limitations.

According to MPEP §2142

> [t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that 'rejections on obviousness cannot be sustained with mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.' *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval).

Further, according to MPEP §2143, "[T]he Supreme Court in *KSR International Co. v. Teleflex, Inc.* 550 U.S. ___, ___, 82 USPQ2d 1395-1397 (2007) identified a number of rationales to support a conclusion of obviousness which are consistent with the proper "functional approach" to the determination of obviousness as laid down in *Graham*." And, according to MPEP §2143.01, "[o]bviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006).

Further, "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art." *KSR International Co. v. Teleflex, Inc.* 550 U.S. ____, ____, 82 USPQ2d 1385, 1396 (2007).

Additionally, according to MPEP §2143

> [a] statement that modification of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Pat. App. & Inter. 1993).

Claims 4-5, 8-9 and 30 either directly or indirectly depend on claim 1. Claims 13-14and 18-19 either directly or indirectly depend on claim 10. Claims 23-24 and 28 either directly or indirectly depend on claim 20. As asserted above, Hayes does not teach or suggest the limitations of

> *discovering a plurality of devices that are currently connected to the network*; (b) *obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to physical layer of the network*, wherein the information includes at least a device name and service type, and wherein the physical layer provides a communication medium that can be used by the plurality of devices to communicate with each other; (c) *generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with each of the devices currently connected to the network*; and (d) displaying the generated user interface such that

> a user can use each reference of the displayed user interface to access each device (emphasis added),

as required, in part, by claim 1,

> *discovering the plurality of devices that are currently connected to the physical layer of the network*; (b) *obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to the physical layer of the network*, wherein the information includes at least a device name and service type; (c) *generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with each of the devices currently connected to the network*; and (d) displaying the generated user interface such that a user can use each reference of the displayed user interface to access each device (emphasis added),

as required, in part, by claim 10, or

> *discovering a plurality of devices that are currently connected to the network in an autonomous manner*; (b) *obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to the physical layer of the network, wherein the information includes at least a device name and service type*; (c) *generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with each of the devices currently connected to the network*; and (d) displaying the generated user interface such that a user can use each reference of the displayed user interface to access each device (emphasis added),

as required, in part, by claim 20.

Kemink discloses an Internet based service for updating a programmable control device, where an Internet site contains links to appliance-dependent control and feature option information that can be downloaded to the device as a graphic user interface (GUI). The user selects the device information from the Internet site. That is, Kemink teaches device information is obtained from a website, not a device that is to be commanded and controlled.

Even if Kemink is combined with Hayes, the result would still not teach or suggest "*discovering a plurality of devices that are currently connected to the network*" (emphasis added), "*obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to physical layer of the network*" or "*generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with each of the devices currently connected to the network*" (emphasis added) as required, in part, by claim 1, and similarly by claims 10 and 20.

Claims 9, 18 and 28 require, in part, "the user interface includes *device data corresponding to each device based on the information* ***obtained from each device***, and wherein when *the one link in the user interface is user activated the activated link is used to access* ***the associated device and retrieve control interface description contained in the associated device*** *to generate and display a device user interface based on the retrieved control interface description*, for user interaction with that associated device" (emphasis added). Kemink,

however, fails to teach these limitations as Kemink simply discloses that the website, provided by appliance vendors and third parties, provide the device control profile for the control devices (Kemink, col. 5, lines 11-33). Therefore, it is clear that Kemink does not teach or suggest that the user interface includes data obtained from a device or that data is retrieved from the device since appliance vendors and third parties supply the device data. Therefore, dependent claims 9, 18 and 28 are patentable over Hayes in view of Kemink for at least these reasons.

Further, the assertions made in the Office Action on pages 6-7 that lead to a conclusion of obviousness are not explicit and the basic requirements of an articulated rationale under MPEP §2142 cannot be found. Additionally, since the combination of Hayes and Kemink does not teach, disclose or suggest all the limitations of Applicant's amended claims 1, 10 and 20, as listed above, Applicant's claims 1, 10 and 20 are not obvious over Hayes in view of Kemink since a *prima facie* case of obviousness has not been met under MPEP §2143. Thus, claims 1, 10 and 20 of the present application are patentable over Hayes in view of Kemink for at least the reasons set forth above. Additionally, the claims that directly or indirectly depend on amended claims 1, 10 and 20, namely claims 4-5, 8-9 and 30, 13-14 and 18-19, and 23-24 and 28, respectively, are allowable for at least the same reasons.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections of claims 4-5, 8-9, 13-14, 18-19, 23-24, 28 and 30 is respectfully requested.

Additionally, new claim 33 requires, in part,

> the service type comprises a type of service that each device can provide and *the user control interface is generated and displayed based on at least an attribute and capability of the service type*, each reference in the user interface includes at least one electronic link providing direct access from the user interface to at least the user control interface description, *the user interface includes device data corresponding to each device based on the information obtained from each device, and upon the one link in the user interface being user activated, the activated link is used for accessing the associated device and retrieving control interface description contained in the associated device for generating and displaying a device user interface based on the retrieved control interface description, for user interaction with that associated device*" (emphasis added).

Hayes in view of Kemink, however, fails to teach or suggest these limitations. Therefore, new claim 33 is patentable over Hayes in view of Kemink for at least these reasons.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant believes that the claims are in condition for allowance. Reconsideration, re-examination, and allowance of all claims are respectfully requested. If the Examiner feels that a telephone interview may help further the examination of the present application, the Examiner is encouraged to call the undersigned attorney or his associates at the telephone number listed below.

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Respectfully submitted,

/MZ/ 02/26/2010

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